



# LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex, 5th Level  
809 State Street, Suite 503 A  
LaPorte, Indiana 46350-3391  
(219) 326-6808, Ext. 2591, 2563 & 2221  
Fax: (219) 362-5561

Michael Polan  
Building Commissioner

December 20<sup>th</sup>, 2022

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **December 20<sup>th</sup>, 2022, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT:      Melissa Mullins Mischke      Dwayne Hogan  
                                 Adam Koronka                      Glen Minich  
                                 April Daly

PRESENT:                  Michael Polan, Recording Secretary, Attorney Doug Biege; Ashley  
                                 Kazmucha, Administrative Coordinator

The Pledge of Allegiance.

## **APPROVAL OF MINUTES:**

Melissa Mullins Mischke asked for approval of the meeting minutes of November 15<sup>th</sup>, 2022.

Dwayne Hogan made a motion to approve the meeting minutes of November 15<sup>th</sup>, 2022 as presented.

Adam Koronka seconded.

All Approved. Motion carries 5-0

## **Petitions:**

**1. Petition for Variance of Use for James Henson** to operate a metal fabrication shop out of the garage. This property is located at 1402 S. State Road 39, LaPorte, IN., Scipio Twp. zoned R1B. Parcel 46-10-10-277-028.000-060.

Melissa Mullins Mischke stated this petition has been postponed several times. She will entertain a motion to dismiss this one.

Dwayne Hogan made a motion to dismiss the Variance of Use for James Henson to operate a metal fabrication shop out of the garage. This property is located at 1402 S. State Road 39, LaPorte, IN., Scipio Twp. zoned R1B.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

**2. Petition for Variance of Use for Mossimoto Properties LLC (seller) and Dan Klister (buyer)** for operation of a unique rental retreat with seven (7) cabins. The property is located west of 3985 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on 20 acres. Parcel 46-03-10-400-019.000-048.

Attorney Biege stated notice is adequate.

Dan Klister stated his address is 106 N. Aberdeen St., Chicago, IL.

Melissa Mullins Mischke asked about the seven (7) cabins and the unique rental retreat. What is the plan?

Dan Klister stated the plan, in broad terms as she stated, is seven (7) unique cabins kind of spread out across a twenty (20) acre property. They will be offered as technically short-term rentals with a two (2) night minimum stay up to the length is still TBD. It will offer a variety of unique features to the cabins themselves then on the property as well as taking advantage of a lot of the area attractions and other unique experiences that Northern Indiana and Southern Michigan have to offer.

Melissa Mullins Mischke stated with respect to the site itself, will there be attractions on the site where the cabins are located or will everything be off site.

Dan Klister stated the majority of the attractions or amenities will be within the cabins on site. There may be subtle attractions or amenities for guests to share as in a sauna or cold punch pool, but nothing out of the ordinary that he would include on the plan.

Melissa Mullins Mischke asked if he could be more specific on what those activities might entail.

Dan Klister stated walking, hiking...

Dwayne Hogan stated trails.

Dan Klister stated potentially there is some space for it, but he would envision guests more or less enjoying the escape and the quiet of being in the woods.

Melissa Mullins Mischke stated they're not looking at loud music or evening entertainment.

Dan Klister stated there won't be any outdoor activities that would cause that.

Glen Minich stated in the packet he led to believe that there would be quiet times or set hours where there isn't supposed to be any disturbance going on.

Dan Klister stated he believe he stated seven am to seven pm (7 am – 7 pm). He could have started with the property itself will be under twenty-four-seven (24/7) security. There will be an entry gate, individually locked cabins, there will be a bigger security system with lights, cameras, etc. As for the operation of the property, there will also be a twenty-four-seven (24/7) manager. There would be a list of site rules and regulations that would comply with not just the county's given rules and regulations, but ones that they would put in place as well that he would assume are much more strict.

Glen Minich stated that sounds good, but it is kind of vague not knowing what they are whatsoever. Does he plan on fencing the property because they will have so many people out walking around and there's a lot of private property and they need to know the border is their limits.

Dan Klister stated everything will be clearly staked or stated. As for an actual fence, at this point, he doesn't necessarily see a need for one (1). The topography of the land wouldn't really allow for somebody to wander too far off, but again everything would be clearly marked for somebody staying on property to contain themselves at the property. To expound upon the rules or regulations on site, at a high level, they would strictly enforce quiet hours, there would be a list of prohibited activities. He could start on a number of things, but there would be no fireworks, no loud music, certain activities would only be permitted during certain times as simple as maybe during daylight if that would make sense.

Dwayne Hogan asked if they are planning on fishing or anything.

Dan Klister stated no hunting, no fishing, no guns allowed. None of that.

Dwayne Hogan asked if there are any designated wetlands.

Dan Klister stated there are not, no.

Adam Koronka asked about utilities to the individual cabins.

Dan Klister stated they plan to run electric. The septic is still kind of in the works as they are figuring out what would be the most efficient and/or is permitted.

Adam Koronka stated they are talking running water, electric and potentially septic to each of the cabins.

Dan Klister stated that is correct.

Melissa Mullins Mischke asked for remonstrators. They are going to have a three (3) minute time limit on remonstrators. If they have someone in their group that can speak for all of them, that

would be wonderful. If not, they want to move it along and not hear the same comment over and over for every three (3) minutes.

### **Remonstrators:**

Steven Lantvit stated his address is 10257 N. Manna Ln., LaPorte, IN. He is the property directly to the west of this proposed development. It's actually a subdivision going under a sheep's' clothing, but is hiding a wolf. First, he will tell them they will need a property because he was emailed a plan and there are three (3) proposed cabins of which one (1) is fifty feet (50') off of his property. To look how he looks right now, if they know anything about RFDTV, he is one of the four (4) clinicians in the country that are on RFDTV on the cowboy channel. He makes his living in the Ag industry. He came out to LaPorte County to do so. It will only be a matter of time until someone walks fifty feet (50') to pet a horse because they do it all the time. They will have to have a fence all the way around. There is no way around it. He came here as well as everybody else and they will have their chance to speak, but this is a residential area. Farmers do not have set hours. He will be stripping pens with his tractor which is fifty feet (50') off of their cabin which could be one o'clock (1 am) in the morning if he has to rotate. He has unloaded hay at ungodly hours and cattle. They will talk about flies, the smell, and ten (10) hogs in a pens fifty feet (50') off of his cabin. The person who is going to come for two (2) nights is not going to like the smell or when he is taking his stallion out to breed in the pen that is fifty feet (50') from his cabin. He does think that what he is proposing is set for an area like Union Pier just out of New Buffalo or off of a County Highway like 39 where all the other hotels are. There are multiple pieces of property. They would not be here opposing if this was single family residence. He is speaking on behalf as a resident and on behalf of the President of the Highgrove Homeowners Association. He has a letter from Tim Callahan who owns lots three (3), four (4), and five (5). He was a developer for Highgrove, which was one hundred and twenty-eight (128) acres, seven (7) home sites, of which the only reason it is still there is because he killed himself and he never gave up. The fact that it would have never actually flown if it was penciled out, it would have failed. Tim Callahan bought three (3) of the lots. He has his house and a guest house for his children. Tim when he moved in about two (2) years ago he called up and introduced himself; he is out of Chicago. He is a wonderful gentleman. He respects the gentleman farm concept and Ag lifestyle. He loves it. His kids come over and his grandkids come over to see the newborn calves. He does not want seven people that he doesn't know on Monday, who he will not know on Tuesday, who he will not know on Wednesday coming over because they want to pet a horse, a cow, a chicken, a hog. He could go on. He thinks he has said his piece. His mother also owns a property directly across from his driveway and he has a letter from her opposing to the same thing.

Dawn Tyler stated her current address is 769 N. 500 E., LaPorte, IN. That is her primary residence, but they own land directly adjacent to this property on 400 E. She would like to dispute some things that the gentlemen from The Woodlands stated. It would be easy to put a fence up between their properties. There is no distinction. People are going to walk over a log and not realize they have left the property on this. She is deeply concerned about the noise and the privacy, as the gentleman stated. The plans that she saw showed firepits so she certainly sees other activities that were not mentioned. Whether they were left out purposefully, she cannot say. She is a camper; she loves to camp. She loves to be outside by the fire with her friends singing,

drinking, having noise, having guests. Having seven (7) cabins is very excessive on a twenty (20) acre parcel. She believes out in this area of the County it is a five (5) acre minimum for a single residence.

Michael Polan stated one (1) acre.

Dawn Tyler stated she would be interested to hear where the on-site manager is going to live. Is that in one (1) of the cabins or is that elsewhere. She opposes this idea. She opposes it as a neighbor. They bought property out there because it's nice and quiet and she likes to listen to the owls. She did not buy property to live next to a camp ground. She is gravely concerned what it is going to do to the neighborhood and the safety of the people driving in and out of the property on 1000 N. People drive very fast on 1000 N. They come over the hill by the cemetery and there is a lot of problems.

Renee Amor stated her address is 3943 E. 1000 N., LaPorte, IN. They are directly to the east. She knows that the notice said that it is 3985, but they are actually the home that is closest to the property. From the plans she saw, the majority of where the cabins are going, it is in site of her house. Some of her concerns are the campground type of a thing because they can always print out the rules, but not everybody is going to follow them. They have had the prior owner that was clearing throughout the whole summer for the past two (2) summers. It has been constant machinery. There have been constant large fires which has caused ash to snow at her house. Some of her concerns are with there being so many people and being in the country is they think they can bring their dogs and leave them off leash so they will be all over without the fencing. As stated below, it would be easy to put up a fence. They have markers on their property and they have a very hard time finding where their property line is and she has lived there since 2006. Her grandmother owned the property prior to. They state that there is going to be multiple surveillance however, in their area they don't have the internet. She can't get internet at her house. She knows that they were doing all the digging out in the County and trying to get some different internet speeds out there, but they currently do not have any. So, if they are monitoring any of that she doesn't know how anybody off site could do it. If there is going to be something on-site which leads to another point; will there be another building where there are people, managers, or something of that nature that would be watching it. As well as with the cameras, they would be kind of pointed at her house there. The amenities concern her with the fires and pools. They are also going to be tiny homes so if somebody comes there and they are going to have one (1) bed and they bring others, are they going to be allowed to bring trailers or campers? Will people be in tents as there is only enough in the building for one (1) or two (2) people to be inside of it? Her concern then is the other people. Is it going to be rented to one (1) person, but then ten (10) people show up for that one (1) cabin. Of course, they get to garbage and animals. Is somebody going to be there to make sure that it is cleaned up? Is the garbage going to be flowing their way since they are right next door? Will there be ATVs allowed or other items where they would be noisy and having people possibly going onto their property with their ATVs or something of that nature? Also, she doesn't know what the financing plans or things of that nature are, but this is right next to Posey Chapel. They all know people sneak up towards the chapel and they think it's haunted and they have all the things. Will people be trying to get into those cabins thinking it's another part of the experience with the cemetery? If it goes under, then

they have seven (7) empty cabins just sitting in the woods which concerns her as well with Posey Chapel being right there.

Melissa Mullins Mischke asked Dan Klister to address some of the question he had from remonstrators.

Dan Klister stated back to the initial point, what is it? As much as they can probably continue to disagree on it, it is not a campground. It is a unique stay high end short-term rental. It will be priced at two hundred and twenty-five dollars (\$225) on the low end up to six hundred and ninety-five dollars (\$695) on the high end. This isn't the average kind of party campground. This is targeted towards couples, small families, and a much different crowd than one would be led to believe by just hearing campground. A fence would be no problem.

Melissa Mullins Mischke stated a fence is one (1) of the things she kept hearing over and over that would make more sense.

Dan Klister stated he agrees. It doesn't help him to have people wandering around and liability beyond the property as his issue either so he agrees especially in certain areas that would protect neighboring properties and/or specifically animals. The smell would be his problem. He isn't opposed to looking at maybe a different location for one (1) or two (2) of the cabins that might seem like they are encroaching too close to a neighbor's property. Fires were mentioned and yes small fire pits at each cabin would be there and they would go along with the site rules and there would be specific times when they would be allowed to have fire and when they would have to put it out and go back indoors. He understands the human element so they will continue to do their best to manage that.

Melissa Mullins Mischke stated let's talk about the twenty-four-seven (24/7) security. Would they be living on site?

Dan Klister stated at this point, no one would live on site. He has interviewed a number of different companies. At this stage, they would likely hire a group out of New Buffalo, so within about ten (1) to fifteen (15) minutes away.

Melissa Mullins Mischke stated someone would be there twenty-four-seven (24/7) though.

Dan Klister state no. There would be somebody available twenty-four-seven (24/7) on-site only if there was an issue. There is internet from Acme out of Michigan City. Fiber is available to the property.

Melissa Mullins Mischke stated she hopes everyone understands that CCTV does not require internet to record video on your property. They don't have to have the internet for that unless they want to review it remotely also.

Dan Klister stated it won't be CCTV. He isn't trying to take video of stuff he doesn't need to see. It would be strictly cameras aimed at an entrance or at specific parts of the property that they will need to monitor for potential safety issues. Along those lines, the goal is to essentially automate

as much as they can on the property so security, security cameras, security lighting or site lighting in general, locks, and even down to HVAC of the cabins can all be done remotely. They will utilize as much of that technology as they can.

Melissa Mullins Mischke stated if she were to rent a cabin for two (2) nights, would she be allowed to bring in a camper, a trailer, a tent, all her friends.

Dan Klister stated no. He apologized to Glen as he doesn't have the full list of rules and regulations, but there will be a significant list of what they will be able to do on the property and everything that they will not allow on the property. This is aimed at most likely couples and small families that are going to show up, type in a code to get in through the automated gate to enter the property. There will be a keypad or wireless code on their phone to get into their cabin itself. They might bring a bag of clothes and some food or whatever, but nothing substantial would be allowed to be brought onto the site.

Melissa Mullins Mischke asked about trash removal.

Dan Klister stated every turn over, the management company will collect trash, completely clean or turn over the cabin similar to a hotel type environment. He would imagine almost every single day if not every other day there will be somebody there making sure the property is clean and up to the neighborhood standards.

April Daly asked if there is going to be a limit on the amount of time they can rent each one (1) of those cabins.

Dan Klister stated the minimum stay is two (2) nights. If somebody came to him and said they wanted to rent for a month, he thinks they are open to creating an environment that if somebody decides they can work remote for a month and wants to spend it in the woods of Northern Indiana, they could accommodate a request like that. Their goal is not to ruffle feathers. They don't want to ever go into a municipality that either staff, neighbors, et cetera doesn't want or welcome them. He understands that not everybody is going to be happy and that there has been a misunderstanding potentially on certain issues revolving around the project, but their goal now and moving forward would be the best neighbor that they can be to everybody in the area.

Michael Polan asked if there will be a written rule on how many guests are allowed per cabin.

Dan Klister stated there are two (2) studio cabins, two (2) one (1) bed cabins and one (1) two (2) bed cabin. The studios are a limit of two (2) people. The one (1) bedroom would likely be case by case, but it would be two (2) adults and up to two (2) children. The two (2) bedroom could accommodate six (6) total guests for the cabin.

Glen Minich stated in general, the project is doable with the restrictions of fencing. He likes the minimum to two (2) nights. Maybe a maximum is a good idea because you really don't want them to be long term rentals as much. They are talking about high end VRBOs and the way that system works, it works for something like this because they are judged by the renter and the renters judge them. There will be no fly by weather. The management is good and takes care of

it. Someone needs to be available certainly like he is saying because anytime there are that many in that close proximity. As far as protecting the neighbors, they have codes in LaPorte County to protect farms. They can't file a nuisance lawsuit against you for your smells, dust, or noise. That's just part of living in the country so they will be protected from that. He thinks it is a possibility.

Melissa Mullins Mischke stated she would like to see before she makes a decision, she would like to see more details on those restrictions and how they may rework some of the cabins to keep from encroaching on the neighbors as well. It is zoned Ag and it is an agricultural area. She is with Glen and she believes it could work.

Dan Klister stated he agrees, but he has two (2) questions. One (1), does that then push this out to January's meeting? He is under contract and he doesn't own the property. If that were the case, he would likely look elsewhere for a different site. If there were a way to work through it...

Melissa Mullins Mischke stated that's also one of the things the neighbors and other area owners don't know exactly what those restrictions are so it's easy for her to say she is going to wander into his horse pasture or someone could wander over there. What are the firepits going to look like? It opens it up to a lot of questions that there are still, even after he explained and asked questions, that are still kind of hanging out there because they're not really sure.

Dan Klister stated concerning the neighbors specifically, he is very open to fencing or creating barriers, whether it be a fence, natural barrier, more plantings, etc. He can provide a full list as to what is permitted or not permitted on the property, but to Glen's point, what specifically on that list would they like him to highlight for the neighbors?

Melissa Mullins Mischke stated her opinion is the entire plan.

Glen Minich stated it is a big undertaking. He doesn't see why they can't ask him to draw it up and bring it back to them next month with all the restrictions that will be in place to make all the neighbors comfortable. One of the problems with the property is that the driveway is in the wrong place. He was told by the neighbors that it is a high speedway where people don't follow the rules and that driveway needs to be moved closer to the crest of the hill so everybody can see. There will be people wandering around looking for the driveway. It's not a major thing, but it needs to be moved.

Melissa Mullins Mischke stated she agrees.

Dwayne Hogan stated it is open transparency. It helps to show everybody what he has.

Dan Klister asked if he means the list of rules and regulations.

Dwayne Hogan stated yes.

Dan Klister asked if that is mandatory for a potential approval and that would push it out until the middle of January.



Dwayne Hogan stated it would.

Adam Koronka asked if they should give him something very objective to go do. That would be the full list of rules, the full layout of cabins, layout of property, fencing.

Glen Minich stated the layout is there.

Dwayne Hogan stated to make sure they are fifty feet (50') off the fence line and stuff like that.

Melissa Mullins Mischke stated right, they talked about maybe moving off the areas next to the neighbors' properties. He said he could maybe move a couple around.

Dan Klister stated there might be one that is within a hundred feet (100') he believes, but he would look at re-locating that.

Adam Koronka stated that is what they are asking for.

Michael Polan stated a more detailed business plan specifically focused on the comments of the Board that reiterated some of the concerns of the neighbors is what they are looking for.

Dwayne Hogan stated well put.

Adam Koronka agreed.

Melissa Mullins Mischke thanked Michael Polan. She stated remonstrator time is the time for public comment.

Adam Koronka made a motion to table to the January meeting the Petition for Variance of Use for Mossimoto Properties LLC (seller) and Dan Klister (buyer) for operation of a unique rental retreat with seven (7) cabins. The property is located west of 3985 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on 20 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke asked Michael Polan if the remonstrators could contact his office to get on an email list if the Petitioner sends stuff in so they are contacted. Would that work?

Michael Polan stated yes.

Melissa Mullins Mischke stated if anyone in the neighborhood wants to get in touch with the Building Commissioner's Office, they will make sure they are all up to date on all information that comes in before the next meeting.

**3. Petition for Variance of Use for Nowak Farms (Robert Nowak)** for running three businesses in existing building (ATF transfers only) (Light machining work) (Auditing & Consulting). This property is located at 6036 N. Nowak Rd., LaPorte, IN., Springfield Twp., zoned R1B on 38.2 acres. Parcel 46-02-32-300-007.000-062.

Andrew Voeltz asked if he may interrupt.

Melissa Mullins Mischke stated yes.

Andrew Voeltz stated he is an attorney with Howes & Howes. He has recently been retained by Mr. Nowak and Nowak Farms. Unfortunately, he was unable to prepare for tonight's meeting so he would move at this point that this petition be tabled until January so he has the opportunity to prepare to properly present the matter in which the petition has been prepared and also address any other concerns that he feels may be out there.

Melissa Mullins Mischke asked if Mr. Nowak agreed with him.

Mr. Nowak stated he does.

Adam Koronka made a motion to table to January the Petition for Variance of Use for Nowak Farms (Robert Nowak) for running three businesses in existing building (ATF transfers only) (Light machining work) (Auditing & Consulting). This property is located at 6036 N. Nowak Rd., LaPorte, IN., Springfield Twp., zoned R1B on 38.2 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

**4. Petition for Variance of Developmental Standards for Cory & Blair Muro** for construction of a pool house with water. This property is located at 10704 W. 1500 S., Wanatah, IN., Cass Twp, zoned A on 5.5 acres. Parcel 46-17-20-100-013.000-001.

Attorney Biege stated notice is adequate.

Cory Muro stated his address is 10704 W. 1500 S., Wanatah, IN.

Melissa Mullins Mischke asked if they already have a pool.

Cory Muro stated they do.

Melissa Mullins Mischke stated she thought so. Is the building just for pumps?

Cory Muro stated their pool is about forty feet (40') off of their back deck. They would like to add a bathroom so the kids don't have to run through the yard, in through their back door, through the kitchen, into the guest bathroom. They would also have a small kitchenette so they can grill out, but that's pretty much it.

No remonstrators present.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Cory & Blair Muro for construction of a pool house with water. This property is located at 10704 W. 1500 S., Wanatah, IN., Cass Twp, zoned A on 5.5 acres.

Glen Minich and Dwayne Hogan seconded.

Dwayne Hogan stated it does look perfect.

All Approved. Motion carries 5-0.

**5. Petition for Variance of Developmental Standards for John K & Christine K Hardacker** to allow future owner to build on a lot without road frontage (access easement). This property is located behind 7274 W. Bleck Rd., Michigan City, IN., Coolspring Twp. zoned R1B on a total 5.559 acres. Parcels 46-05-11-251-004.000-046 and 46-05-11-276-022.000-046.

Attorney Biege stated notice is adequate.

John Hardacker stated his address is 4707 W. 1500 S., Hanna, IN.

Melissa Mullins Mischke stated he owns this property in Michigan City. This is not part of that subdivision, is it?

John Hardacker stated there is technically no subdivision back there. He was the owner of all that property at one (1) time. He built a house for himself and then sold that house, so he built another house for himself. Then he sold a section of property to some good friends of his, Alan Johnston who is here tonight.

Melissa Mullins Mischke asked about the easement for access to the property.

John Hardacker stated it was set at the time that he did the easement for all the other houses that were back there.

Melissa Mullin Mischke stated it is off of Bleck Road.

John Hardacker stated yes.

Melissa Mullins Mischke stated that portion of Bleck Road kind of curves around. That is a subdivision; is she wrong?

John Hardacker stated no, that is right.

Melissa Mullins Mischke stated his easement is granted off of that subdivision.

John Hardacker stated off of that road, yes.

Melissa Mullins Mischke asked if he had any of that documentation with him.

John Hardacker stated no, he did not bring it. It is on record at the Recorder's Office.

**Remonstrators:**

Joe Sookradge stated his address is 4658 N. 700 W., Michigan City, IN. He moved there two (2) weeks ago. He came from California. He got the notice in the mail and he didn't have time to research all of what is happening. He needs time to research over this and then he can get back with them on this.

Miles Wright stated his address is 7274 W. Bleck Rd., Michigan City, IN. His Father is Kevin Wright. He could not make it tonight as he was out of town when the certified letter came in the mail so he did not get it until a week later. He is a railroad worker and because of the holidays he could not get off. That being said, he would like to request to postpone this until January as he is the primary owner of 7274 W. Bleck Rd. which is the residence that the easement runs right on. Further, they have a lot of apprehensions about additional work and development being done that would cause accelerated needs. The driveway that runs back off of Bleck Rd. is shared by three (3) homeowners and they have an agreement between the three homeowners to maintain that. They all donate money to maintaining that driveway.

Melissa Mullins Mischke asked if that is a recorded agreement.

Miles Wright stated no. It is a verbal agreement. It is handled by Alan Johnston. They agree not to hunt any wildlife and to protect the animals in the area. This, having development back there, would greatly affect the native species in the area included the deer and fauna and flora in the area. There are thirty-seven (37) acres of land in close proximity that is owned by Save the Dunes Conservation Fund and because it is in such close proximity, it would destruct the life of wildlife on the properties into this protected wetland.

Alan Johnston stated his address is 7272 W. Bleck Rd., Michigan City, IN. He owns the property that John mentioned that they purchased and built their home on. A few concerns he has are that first, he wasn't aware there was an easement going back there. They didn't hear anything about it until two (2) weeks ago. He is concerned that he has since put a camper cover, or carport, right along the side of where this easement would go. Trees would definitely have to be taken down to put the easement in because it's not there. When he built, it wasn't a problem with just dropping trees and clearing the land. Where that would be cut down, if the trees aren't cut properly, it could cause damage. He doesn't want somebody to come in and start cutting, drop a tree down on his camper, and then file bankruptcy because they can't afford to fix it. They do have a gentleman's agreement for taking care of the property. As far as the driveway, it is five hundred plus feet (500'+); it's not a road, it's a driveway. He arranges all the gravel that is brought in. He arranges for people to take care of it. This last year he actually bought a Kubota with a box scarper and a bucket so he could personally take care of the property. He takes care of all the

snow removal. It is a gentleman's agreement and everybody pitches in and puts money towards him taking care of it. Since he retired, that's why he went ahead and bought the equipment himself just to maintain it. They won't have to try hire somebody in the middle of winter to clear and do that. That was another concern he had. The other concern he had was that all the homes that are out there now are higher end homes valuing from two hundred to three hundred thousand dollars (\$200,000 - \$300,000). He wouldn't want a snap together to be put in there if that is the intention for the property. He doesn't know what ramification would be to see that it doesn't happen because it would definitely devalue the rest of the homes that are in the area because there are three homes back there now. He would say they are higher end homes. It was mentioned by John to a neighbor that he had intentions of selling it to a trucking company at one (1) time. It's just not practical to have trucks going back and forth to that property. He doesn't know what the intention is, but that is a concern he has. What are the intentions for the property? Is it a nice home going there? Are they going to bring in a trailer to put it on a slab? He doesn't know. All those are open concerns that he has right now.

Penny Wright stated her address is 7274 W. Bleck Rd., Michigan City, IN. She would petition that this be set for a later date. Her husband Kevin Wright wanted to be there badly, but he works for the railroad and there was just no way of getting off work at short notice and it was very short notice for them.

Melissa Mullins Mischke asked if he was able to join via Zoom.

Penny Wright stated no. He runs an engine. He has absolutely no electronic devices.

Melissa Mullins Mischke stated they also have email if he would like to send an email with his remonstrance.

Penny Wright stated she understands, but they did not know what this variance was even about. From their understanding from sitting here this evening, they would have questions of who actually owns the property anyway. They have three (3) very unique nice homes sitting on a couple of acres each with a very nice driveway that comes up. This would increase traffic. It would affect wildlife, the noise level in their area. It's why they bought their home there; they wanted a small little area with friends next to them. That would cut right down the middle of their driveway. They weren't even sure there was an easement. They bought their home in a foreclosure so none of that was available to them. There was nothing available to them about an easement. The drive would run by their log home; all of the homes are log or log-styled homes and that's what they would want to go in and nothing else to have that uniqueness in their subdivision. That road would run between their log shed and their neighbors beautiful port that he built for his trailer. It would be very close to both of them. She would like to give them a letter of concerns that she has.

Kevin Thar stated that his address is 7268 W. Bleck Rd., Michigan City, IN. He is there with his wife Deb. They are one (1) of the three (3) houses in the area. Their biggest concern is that they didn't know that there was an easement that would cut through their properties and go back there and they had no idea what Mr. Hardacker wants to do with the property. At one (1) point, he said he was going to sell it to a trucking company. Another time he said he would sell it to a logging

company that were going to come in and cut all the trees down. Their property does not abut against John's, but their property abuts against the forty (40) acres of preserved wetlands that Miles spoke about earlier. Those are their concerns; they just don't know what he wants to do with it. They are concerned about trucks going in and out or whatever it's going to be. He would also like to move that they postpone it to January so Kevin can be here because the easement goes right through his property.

John Hardacker stated he knows how nice the homes are out there; he built two (2) out of the three (3) that are out there. He has no intentions of putting a trailer or any such thing. It's not going to be a development. It will be a one (1) home owner piece of property on five (5) acres there. When he essentially set it up and sold the property to the people in the audience the easement was already in place. He explained that to them five (5) years ago when he came to them and gave them an opportunity to buy the property from him if they didn't want anybody to build back there.

Melissa Mullins Mischke stated that's what it sounds like to here. Maybe he needs to give them an opportunity to buy again.

John Hardacker stated they can talk to his realtor. As far as falling trees and damage to anybody's property, it's basically all scrub brush all the way out passed the existing barbed wire fence that is out there where the property line is actually at. As far as the animals go, he loves animals, but it has 94 on one (1) side and it is a pie shaped piece of property; 94 runs all the way down the side of it. He doesn't think it is going to impair. It is also fenced off where the animals couldn't get out of there anyway; that's where they stop.

Melissa Mullins Mischke asked Attorney Biege for guidance.

Glen Minich stated he has been listening to this whole thing and he wonders why he hasn't spoken up. He has been on this Board for a long time and he has never had a variance like this before. They have never without knowing who is going to use or own the property granted something. For them to give carte blanche to whatever they want to do to whoever purchases and builds. . .

Attorney Biege stated just giving access, an easement goes to a subdivision. He was waiting for a motion.

Glen Minich stated that is the problem here. The neighbors have valid questions and valid points. Normally, the way this works is he would have a perspective buyer and they would want to petition to put a house on it. Then he would come here and they could explain to these people what was being built.

Melissa Mullins Mischke stated they would also see the recorded easement.

Glen Minich asked Attorney Biege if they could even say that they can do whatever they want and build a house without knowing ahead of time.

Attorney Biege stated he doesn't think so. He doesn't think he has sufficient evidence on which to base it. What they do know is there is an easement; they can't see it and they don't know what it is and they don't know who would be serving a tenant and who it would affect. As importantly, the Board has typically denied petitions that flow into subdivisions because that is the point of a subdivision. It's landlocked, they don't know what the easement is, and it's going into a subdivision. Just those three (3) things the Board has turned down for the past eighteen (18) years he's been sitting there.

John Hardacker stated the easement is existing there and there are only a hundred feet (100') to go to get to the property line from where it is right now.

Melissa Mullins Mischke stated she hates to say it, but she is not willing to just take his word on that one hundred feet (100'). She can't be sure and since it is coming off of a subdivision, she would want to verify that easement. She is not prepared to make any kind of decision tonight until she sees that information.

John Hardacker stated he would like to address the reason why he is trying to get the permission before he sells the property is the idea that when people go out there, they have been harassed and told there is no easement. He had a lady that told him and she will sign an affidavit to it, that she was harassed and would be afraid to live out there with the neighbors that are out there right now.

Melissa Mullins Mischke stated that's probably one (1) of the reasons they need to get the easement situation cleared up too.

Dwayne Hogan agreed.

Melissa Mullins Mischke stated for him and all the other owners out there.

John Hardacker stated that is fine.

Dwayne Hogan made a motion to postpone to the January meeting the Petition for Variance of Developmental Standards for John K & Christine K Hardacker to allow future owner to build on a lot without road frontage (access easement). This property is located behind 7274 W. Bleck Rd., Michigan City, IN., Coolspring Twp. zoned R1B on a total 5.559 acres.

Attorney Biege stated they will need more than just a legal easement; they need a drawing to be able to determine where it is on the lot. Not just an easement with the legal written on it.

Dwayne Hogan asked if it should be a survey drawing.

Attorney Biege stated at least an approximation. He doesn't think anybody is sure where it is going through. It should be done by a professional. If that is the case, he knows where surveyors are right now, and they won't get it done in thirty (30) days.

Dwayne Hogan stated exactly.

Melissa Mullins Mischke stated she doesn't think so either.

Adam Koronka asked if they should postpone it to the February Meeting.

Dwayne Hogan stated that would give them sixty (60) days to get it done.

Glen Minich asked if that is a motion. He personally doesn't think a postponement will do. They should deny the petition and it needs to be done in a different way. The petition needs to come with the evidence and the petitioner needs to be the person that is going to build on the property.

Dwayne Hogan withdrew his motion.

Glen Minich made a motion to deny the Petition for Variance of Developmental Standards for John K & Christine K Hardacker to allow future owner to build on a lot without road frontage (access easement). This property is located behind 7274 W. Bleck Rd., Michigan City, IN., Coolspring Twp. zoned R1B on a total 5.559 acres.

Dwayne Hogan seconded.

Melissa Mullins Mischke stated to clarify, he is denying the petition. He wants the person who purchases the property to come in front of the Board.

Adam Koronka stated with the drawing of the easement.

Attorney Biege stated no, they don't need any conditions on a denial. If he comes back, he's going to have to do it right.

John Hardacker stated the person that buys the property has to come back.

Glen Minich stated they both come back.

John Hardacker stated yes.

All Approved. Motion carries 5-0.

**6. Petition for Variance of Use for Travis D Gilroy** for operation of auto sales and accessories business and construction of a second accessory structure for business. The property is located at 5205 N. State Road 39., LaPorte, IN., Springfield Twp., zoned R4 on 1.016 acres. Parcel 46-06-02-353-001.000-062.

Attorney Biege stated notice is adequate.

Travis Gilroy stated his address 5205 N. State Road 39, LaPorte, IN.

Melissa Mullins Mischke stated auto sales and accessories.



Travis Gilroy stated yes.

Melissa Mullins Mischke stated construction of a second (2<sup>nd</sup>) accessory structure for business.

Travis Gilroy stated yes.

Melissa Mullins Mischke asked if he is going to sell cars and fix cars.

Travis Gilroy stated he is not fixing cars. He has done that long enough in his life and he is tired of fixing them all the time. He is not just selling regular cars. He wants to open up a store that is classic, collectible, and custom cars only. As far as the store wise accessories, they will be man cave items such as signs, gas pumps, slot machines, or something that you would want to put in your home, garage, basement, bar, or man cave. His wife brought it to him for the fact that she is always trying to find him something and no offense to Hobby Lobby, but she goes there and they have the littlest stuff.

Melissa Mullins Mischke stated she wants him to not have it in the house, right.

Travis Gilroy stated currently, her basement is full of it.

Dwayne Hogan stated that's easy to figure it out here.

Travis Gilroy stated that is what he is asking to be able to do.

Melissa Mullins Mischke stated the building where he is going to construct business is for car sales of classic cars and slot machines and things like that.

Travis Gilroy stated yes. It's something different in the town.

Melissa Mullins Mischke stated he is asking for an additional structure then.

Travis Gilroy stated that will be more for the classic cars. It's going to be primarily indoor car sales. He is doing a thirty by seventy (30' x 70'). He should be able to fit about eight (8) cars amongst inventory and then have a few out front. He is not planning on having a ton. He doesn't want a huge yard full.

Melissa Mullins Mischke stated how many cars inside?

Travis Gilroy stated six to eight (6 – 8) cars. That's what he figures he will be able to fit at the most.

Melissa Mullins Mischke stated they have to be some pretty awesome classic cars that need to go inside, right.

Travis Gilroy stated right. Part of the plan of him doing it at his residence is that he cannot afford to spend three thousand dollars (\$3,000) a month to rent something to do it. He can't do what he needs to start and this was his only option right now.

Melissa Mullins Mischke stated there a bunch of cars there.

Travis Gilroy stated yes.

Dwayne Hogan stated twenty plus (20+) cars.

Travis Gilroy stated there are still quite a few there. New or junk ones he has gotten rid of. He used to work for Pat Kindig at Hemi Auto; he used his yard as a storage lot for quite awhile so he has been getting hit stuff out of there. He hasn't worked for him in a year and he still he has three (3) left of his that have to be removed.

Melissa Mullins Mischke asked how long he thinks that will take.

Travis Gilroy stated to get his out.

Melissa Mullins Mischke asked Dwayne Hogan how many were there.

Dwayne Hogan stated about twenty (20).

Travis Gilroy stated a lot of them are classic cars.

Melissa Mullins Mischke asked if he is going to work on them there at that location.

Travis Gilroy stated half of them run and drive; they are just sitting there. They need to be washed and detailed, but a lot of them run and drive.

Melissa Mullins Mischke asked how many of them run and drive.

Travis Gilroy stated the classic cars that run are both Corvettes, the Crosslé, two or three (2 – 3) of the Imperials, both 268 Chryslers, a 300, and a New Yorker.

Melissa Mullins Mischke stated there are about ten (10) so far. How many of those would go in the inside structure?

Travis Gilroy stated about six (6) at least are going to go inside. He can't put everything in there. He wants to keep the nicer stuff in there. His whole goal is that the building will be across the front. He is fencing from the building to the side property that hits the trailer park on each side. Everything that he is selling would be in the front or inside the building. He will be giving his wife her yard back behind the building.

Dwayne Hogan asked what size building is he looking on putting there.

Travis Gilroy stated thirty by seventy by thirteen (30' x 70' x 13').

Melissa Mullins Mischke stated go on, do it one (1) last time.

Dwayne Hogan asked if it is big enough.

Travis Gilroy stated twenty-one hundred square feet (2,100<sup>2</sup>) so he hopes so.

Melissa Mullins Mischke asked if it ever gets old for him.

Dwayne Hogan stated no, it never gets old.

Melissa Mullins Mischke asked how long it will take to clean up if they approve his petition. How long will it take to get the non-needed vehicles gone and the building constructed so that he can store some of them inside.

Travis Gilroy stated he is hoping to begin construction in the beginning of March. Unfortunately, the concrete foundation can't be done in the snow and it would cost him way too much. It can be done with additives, but it's better to be done in the spring. As far as the other cars, he has gotten rid of three (3) of them in the last few days. He got rid of a tow truck that was out there, a Honda that was on a trailer, and he got rid of an SUV. He has two more that will hopefully be out this coming week, but he will be in Texas. As soon as he is back, he will be right back on getting them removed. He does have a few of them listed online right now to get rid of them.

Melissa Mullins Mischke asked what kind of hours of operation he is looking at; days of the week and hours.

Travis Gilroy stated Tuesday through Saturday. Tuesday through Friday will be ten am to five pm (10 am – 5 pm). Saturday will be 9 am until three pm (9 am – 3 pm).

Dwayne Hogan stated anything outside of that would be appointment only.

Travis Gilroy stated no, he doesn't want to do appointment only. He still has to have time for his family. He takes care of his eighty-seven (87) year old grandma as well. He is the only one (1) she has. He has to have time for that.

Melissa Mullins Mischke asked what kind of sign are they talking about.

Travis Gilroy stated it will be without lights. He currently has the old Bolts Unlimited sign pole so it is a massive eleven-foot (11') long thing that his sign will hang right underneath. That's kind of the stuff he wants to lean towards anyway like the gas or oil signs or anything business related that is old. A lot of people like that stuff; he loves it.

Melissa Mullins Mischke asked what size for the sign.

Travis Gilroy stated probably four by six (4' x 6'). As seen on the property, he does have entry and exit. It is U-shaped. He will be cutting it in front of the building, but there is a turn lane on the highway to come in. There is wonderful access leaving on the north side driveway with a view on each side. He is going to have an exit and entrance that will be designated. It's only a little over one (1) car wide so he can't have two (2) people in and out; he will have a designated one (1) side or the other.

Melissa Mullins Mischke stated she wants to clarify that he will not be working on vehicles at that location. No mechanics, correct.

Travis Gilroy stated no.

No remonstrators present.

Glen Minich asked if they talked about a limited number of automobiles.

Dwayne Hogan stated they did not.

Glen Minich asked if they can they limit the number of cars outside to six (6).

Travis Gilroy asked if he can give him ten (10).

Glen Minich stated eight (8).

Travis Gilroy stated we'll meet in the middle.

Glen Minich made a motion to approve the Petition for Variance of Variance of Use for Travis D Gilroy for operation of auto sales and accessories business with no mechanical repairs and construction of a second accessory structure for business. Hours of Operation are Tuesday – Friday, 10 am – 5 pm, Saturday 9 am – 3pm. The sign will be a 4'x6' non-lit. A total of 8 cars parked outside. All other autos are to be removed by the end of 90 days' time. The property is located at 5205 N. State Road 39., LaPorte, IN., Springfield Twp., zoned R4 on 1.016 acres.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

**7. Petition for Variance of Developmental Standards for James & Maria Hawkinson** for construction of a garage without a residence and a side setback of 6' instead of the 10' minimum required. The property is located at 5756 E. 800 N., Rolling Prairie, IN., Galena Twp., zoned R1B. Parcel 46-03-24-477-002.000-048.

Attorney Biege stated notice is adequate.

Tim Berneche stated his address is 314 Illinois St., Glen Ellyn, IL. His company is Berneche2 Architecture and he is representing James and Maria Hawkinson.

Melissa Mullins Mischke asked for a moment to look at the new drawings he passed out.

Tim Berneche stated he could explain the reason for the new drawings.

Melissa Mullins Mischke stated yes.

Time Berneche stated his client had given him a survey for Lot 3 which is circled on the first sheet that they have. He apparently had given him the wrong survey. The property in which he is looking to do this work is actually Lot 6, three (3) lots to the west that is circled and highlighted. The earlier drawings were for Lot 3 which are erroneous at this point. These are to show the garage on Lot 6. The second drawing is a site plan that shows the positioning of the requested garage. Again, the variance here is that the restrictions require a residence on the lot. They are looking to do a garage with no residence at this point primarily for the storage of a boat that he wishes to keep here. The third drawing show a conceptual idea of what the garage would look like.

Melissa Mullins Mischke asked if there are plans to ever build a residence there.

Time Berneche stated they have done a study and he did present that to the Building Department and the Health Department. The owner would have liked to have done something like that. The understanding is that a sewer will be built along 800 N. at one (1) point in time. Obviously, he has done work in Long Beach and they have been talking about a sewer along Lakeshore Drive since 2001 and they are still waiting for that. The Health Department's response was that they could build a house if they want, but they either have to have a septic or tie into a sewer when it eventually comes. Not knowing when that is going to happen, at this point his client would like to strictly build the garage. One (1) other thing he would like to correct is on the variance information he listed their address as 5632 E. Saugana Trl., and it should be 5643 E. Saugana Trl. They have a house opposite of Saugana Lake. The lot is on the north side and the have a primary house on the south side of Saugana Lake.

Melissa Mullins Mischke asked if the address change makes a difference for notification.

Ashley Kazmucha stated she got the adjoining land owners from the property that it is supposed to be from.

Melissa Mullins Mischke stated very good, thank you.

No remonstrators present.

Dwayne Hogan stated it's about the biggest size garage they could put there.

Tim Berneche stated one (1) of the other variances is to go from a ten-foot (10') side yard set back to six feet (6'). He could've made the garage twenty-four feet (24') which would put it right at ten feet (10'), but knowing how humans work he gave it another eight inches (8") to make it twenty-three feet and four inches (23'4").

Melissa Mullins Mischke stated she doesn't like it. She understands it, but she doesn't like it. She appreciates the extra eight inches (8").

Adam Koronka stated in his opinion, looking at the way the lot is set up and looking at all the adjoining land owners, there's really not a whole lot left they can do with that little wedge of a lot.

Melissa Mullins Mischke stated no, there is not.

Dwayne Hogan it's dead for septic.

Adam Koronka stated especially when it comes to the septic.

Melissa Mullins Mischke stated she agrees.

Glen Minich stated they do have a home on the other side of the lake.

Tim Berneche stated that is correct.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for James & Maria Hawkinson for construction of a garage without a residence and a side setback of 6' instead of the 10' minimum required. The property is located at 5756 E. 800 N., Rolling Prairie, IN., Galena Twp., zoned R1B.

April Daly seconded.

All Approved. Motion carries 5-0.

**8. Petition for Variance of Developmental Standards for JoAnn Bachewicz and Robert Kiger** for construction of an accessory prior to the home and in front of the home and to run a woodworking shop. The property is located at 202 N. Forrester Rd., LaPorte, IN., Coolspring Twp., zoned A on 16.22 acres. Parcel 46-05-36-400-010.000-047.

Attorney Biege stated notice is adequate.

Bob Kiger stated his address is 754 S. Forrester Road, LaPorte, IN.

*Bob Kiger approached to supply the Board with visuals.*

Melissa Mullins Mischke stated finally a garage size that Dwayne will like.

Bob Kiger stated that's just a start.

Melissa Mullins Mischke stated they're not going to build a house yet, they're just going to build the woodworking shop.

Bob Kiger stated when they bought the property a year ago there was an existing modular home on it and they took it off earlier this year. The foundation is still there so they want to utilize that. It is a good foundation, septic system and well. This would be approximately real close to what would go on the existing foundation. He owns a shop and some acreage down the road that he has been at since 1986. If they sell that, he would like to build a fifty by one hundred (50' x 100') adjacent to this and he thinks it is big enough for now. They will start with that. It will be a conventional frame on the exterior and timber frame on the interior. Eventually, as they saw from the drawing submitted, they will build a house in the back about a thousand feet (1,000') back. They already have NIPSCO taken care of and that will go in sometime this spring. Since they are building the accessory in front and first, they needed to get the variance for it.

Melissa Mullins Mischke asked if it will have running water and electric out to the fifty by one hundred (50' x 100') building.

Bob Kiger stated not water possibly. Maybe a garden hose or faucet, but no bathrooms. The other building will be a multi-use building since it has existing foundation and plumbing in the basement and septic. The new fifty by one-hundred (50' x 100') will not have water; it will have gas, electric, and be fully insulated.

April Daly stated he has done a lot of clearing out at this property.

Bob Kiger stated a little bit.

April Daly stated it's right down the street from her house so she knows.

Bob Kiger stated they are about a quarter of the way through. Cleaning it up has been a big issue. They will be building in the back and Swede Lake is back there so they are going to take advantage of the view up on the hill. There are still a few trees to come down yet, but they are utilizing them so that's good.

No remonstrators present.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for JoAnn Bachewicz and Robert Kiger for construction of an accessory prior to the home and in front of the home and to run a woodworking shop. The property is located at 202 N. Forrester Rd., LaPorte, IN., Coolspring Twp., zoned A on 16.22 acres.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke asked for any old business.

Michael Polan stated he doesn't have any old business. Does Doug?

Attorney Biege stated no.

Michael Polan asked Ashley?

Ashley Kazmucha stated no.

Melissa Mullins Mischke asked for any new business.

Michael Polan stated he does have new business. As they know, one (1) of their own esteemed long-time Vice President of the Board has announced his retirement. He is sad to announce that they are losing a wealth of knowledge and experience and wisdom from this Board. He would like to express on behalf of all of them the joy that they experienced working alongside of him and hearing the cases. While, they are sad to see him go, they certainly support his decision and wish him the best on his future endeavors. They would like to approach and present a little something from all of them to commemorate his retirement.

Melissa Mullins Mischke stated almost twenty (20) years, right.

Dwayne Hogan stated almost twenty (20) years. Thank you.

*Michael Polan presented Dwayne Hogan with the gift.*

Michael Polan stated there was a lot to choose from. He liked the blue one (1), but Ashley said they should go with the red because Dwayne was a firefighter. She was right. It turned out great. Please accept this on behalf of all of them for his eighteen (18) years of service to this Board.

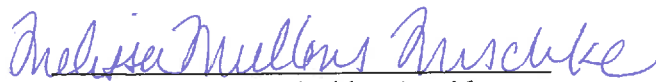
Dwayne Hogan stated thank you. He really appreciates it. It's meant a lot. It's been hard and been a long time coming for a day like this, but you never say never because they never know if he might come back, but politics do change. He has to take care of his health first because once they lose that, it's gone and they're in trouble. The wisdom and that from the Board and all the things that he has personally helped with and the education and training, he hopes it filters on down and stays with the Board. He feels the Board is still going to be in really good shape with what they have. The continuity of this Board is going to work.

April Daly stated as the newbie on the Board, it has been a pleasure watching and seeing how they all work together as a team. Considering where everything is at right now in their County, it is very refreshing. Thank you for everything that they have done. He made her feel comfortable and welcome. Thank you to all of them, especially Dwayne.

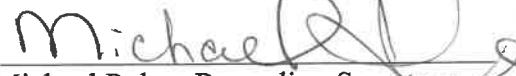
Dwayne Hogan stated thank you very much.

There being no further business, meeting adjourned at 7:20 p.m.





Melissa Mullins Mischke, President



Michael Polan, Recording Secretary